

Notice of Allowability

Application No.

10/781,802

Examiner

Sherman D. Basinger

Applicant(s)

SATO ET AL.

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed June 13, 2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 20 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 2, last line "the driveshaft insert hole" has been changed to –a driveshaft insert hole-.

In claim 4, line 3 "the under-panel" has been changed to –an under-panel-.

In claim 6, lines 12 and 13 "the interface between the inner peripheral surface of the resin pump case" has been changed to –an interface between an inner peripheral surface of the resin pump case-.

2. In the first office action it was pointed out that the following have no clear antecedent:

"the inner peripheral surface of the resin pump case" of claim 1;

"the driveshaft insert hole" of claim 2; and

"the lower annular seal element", "the bottom opening rim of the pump case", "the under-panel", "the upper annular seal element", "the driveshaft insert hole" and "the ejection port of the pump chamber" all of claim 4.

Applicant amended claim 1 in the response filed June 13, 2005 to change "the interface between the inner peripheral surface of the resin pump case" to –an interface between an inner peripheral surface of the resin pump case-. In rewriting claim 6 in independent

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form applicant failed to make this change. As such, this change has been made by this examiner's amendment.

Applicant also in adding the subject matter of claim 2 to claim 1 in the response filed June 13, 2005 changed "the driveshaft insert hole" to -a driveshaft insert hole-. In view of this, claim 2 has been amended in the same manner by this examiner's amendment.

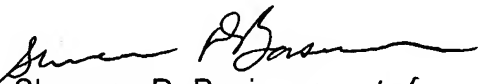
In the response filed June 13, 2005 applicant amended claim 4 such that "the lower annular seal element", "the bottom opening rim of the pump case", "the upper annular seal element", "the driveshaft insert hole" and "the ejection port of the pump chamber" were changed to "a lower annular seal element", "a bottom opening rim of the pump case", "an upper annular seal element", "a driveshaft insert hole" and "an ejection port of the pump chamber"; however, applicant failed to amend claim 4 such that "the under-panel" no longer lacked clear antecedent basis. By this examiner's amendment "the under-panel" in claim 4 has been changed to -an under-panel- such that "the under-panel" no longer lacked antecedent basis.

3. A translation of Japan 4-321891 has been cited on the attached PTO 892.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
6/28/05

Tuesday, June 28, 2005